

REMARKS

The present application includes claims 1, 3-9, 11-14, 16-17 and 19-36. Claims 1, 3-9, 11-14, 16-17 and 19-36 have been rejected by the Examiner. By this Amendment, claim 5 has been amended to correct a typographical error.

Claim 5 was objected to because of “generated” versus “generate.” By this response, claim 5 has been amended accordingly to correct the typographical error.

Claims 21-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wood et al., U.S. Pat. No. 5,891,035 (“Wood ‘035”).

Claims 1, 4-5, 7-9, 11, 13-14, 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans, U.S. Pat. No. 5,924,074 (“Evans”) in view of Wood et al., U.S. Pat. No. 5,851,186 (“Wood ‘186”).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Wood ‘186 and further in view of Wood ‘035.

Claims 6, 12, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Wood ‘186 and further in view of Rothschild et al., U.S. Pat. No. 6,678,703 (“Rothschild”).

Claims 17 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s Background and further in view of Rothschild.

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood ‘035 and further in view of Evans.

Claims 24-32 and 35-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and further in view of Rothschild and Wood ‘035.

The Applicant first turns to the rejection of claims 21-22 under 35 U.S.C. § 102(b) as being anticipated by Wood '035. Wood '035 generally relates to an ultrasonic diagnostic imaging system with data access and communications capability. Wood '035 discusses, beginning at col. 3, line 27 and as illustrated in Fig. 1, an ultrasound system including an HTTP server. The HTTP server is connected to access ultrasonic images and reports from a storage medium and make the system's images and reports accessible to a computer, terminal, or workstation at a remote location.

As shown in Fig. 2, the ultrasound system of Wood '035 is illustrated on a mobile cart. The ultrasound system of Wood '035 is not a *mobile facility* adapted to be used at a plurality of locations, as recited in claim 21, as amended in the Office Action Response of Feb. 8, 2006. Wood '035 does not teach or fairly suggest at least "a mobile imaging unit including medical imaging equipment, wherein said mobile imaging unit is a mobile facility adapted to be used at a plurality of locations." Rather, Wood '035 simply discloses the medical imaging equipment. Even though the ultrasound system may have wheels, it is still medical imaging equipment and not a mobile facility including medical imaging equipment. Additionally, Wood '035 does not disclose "a mobile imaging unit/data center communication interface allowing medical information to be transmitted between said mobile imaging unit and said data center" for at least the reason that Wood '035 simply does not disclose a mobile imaging unit as recited in claim 21.

Therefore, the Applicant respectfully submits that the Examiner's rejection has been overcome and that independent claim 21, and corresponding dependent claim 22, are in condition for allowance.

The Applicant now turns to the rejection of claims 1, 4-5, 7-9, 11, 13-14, 33-34 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Wood '186. Evans generally relates to an electronic medical records system. As discussed beginning at col. 2, line 22, Evans discusses an electronic medical record system that automates and simplifies patient chart creation, maintenance, and retrieval. Evans creates and maintains all patient data electronically. As mentioned at col. 2, lines 45-47, Evans provides instant access to a patient's electronic medical record from any geographical location. That is, as clarified at col. 15, lines 18-20, Evans supports a large healthcare enterprise distributed across a large geography as well as a single physician office. Thus, Evans addresses geographically distributed, but fixed, facilities.

Evans does not teach mobile facilities, such as, mobile imaging units. The Examiner stated in the Office Action mailed January 25, 2006, at page 8, and in the Office Action mailed April 14, 2006, at page 5, that Evans fails to expressly disclose that a data generator is a mobile imaging unit. Similarly, at page 10 of the January Office Action and at page 6 of the April Office Action, the Examiner also states that Evans fails to expressly disclose the data retriever comprising a mobile imaging unit. And again, at pages 15 and 8, respectively, the Examiner states that Evans fails to expressly disclose "a mobile imaging unit" transmitting information to a data center.

Wood '186 relates to an ultrasonic diagnostic imaging system with universal access to diagnostic information and images. As discussed at col. 1, lines 43-48, Wood '186 discloses a medial diagnostic ultrasonic imaging system that can be remotely accessed, interrogated, or controlled from a remote location to provide information about the system's operating characteristics, patient images, and reports.

As in Wood '035, Wood '186 does not teach or suggest a mobile imaging unit, wherein the mobile imaging unit is a mobile facility adapted to be used at a plurality of locations. Although Figs. 15-17, similar to Fig. 2 in Wood '035, described above, illustrate an ultrasound system on a wheeled cart, the ultrasound system of Wood '186 (and of Wood '035) is a medical imaging system and not a mobile imaging unit (i.e., a mobile imaging facility), as recited in independent claims 1, 9, 13 and 33, as well as their dependent claims.

Thus, as discussed above, neither Evans nor Wood '186 teaches or suggests a “mobile imaging unit” as recited in independent claims 1, 9, 13, and 33. Taking the references separately or putting them together in any real or hypothetical situation does not teach or fairly suggest such a mobile imaging unit as recited in the pending claims of the present application. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

Therefore, the Applicant respectfully submits that the Examiner's rejection has been overcome and that independent claims 1, 9, 13, and 33, and corresponding dependent claims 4-5, 7-8, 11, 14, and 34 are in condition for allowance.

The Applicant now turns to the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Wood ‘186 and further in view of Wood ‘035. With respect to claim 3, as discussed above and as acknowledged by the Examiner, Evans does not teach or suggest a “mobile imaging unit” as recited in independent claim 1, from which claim 3 depends. In addition, neither Wood ‘035 nor Wood ‘186 overcome at least this shortcoming of Evans because, as discussed above, neither Wood ‘035 nor Wood ‘186 teach or suggest a mobile imaging unit, wherein the mobile imaging unit is a mobile facility adapted to be used at a plurality of locations, as recited in amended independent claim 1. Thus, none of Evans, Wood ‘035 or Wood ‘186, alone or in any combination, teach or suggest elements of independent claim 1, from which claim 3 depends. Therefore, the Applicant respectfully submits that the Examiner’s rejection has been overcome and dependent claim 3 is in condition for allowance.

The Applicant now turns to the rejection of claims 6, 12, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Wood ‘186 and further in view of Rothschild. Rothschild generally relates to medical image management. Rothschild discusses, beginning at col. 17, line 66, storing images at three separate locations including locally at an imaging center and at two central data centers. In addition, images may be stored at a fourth remote viewing location. As illustrated in Fig. 1 and described beginning at col. 18, line 29, Rothschild discloses a medical image management system including a medical imaging system, a local image workstation, a central data management system, and a remote image viewing system.

Rothschild does not teach or suggest mobile facilities, such as, mobile imaging units. Rather, Rothschild merely contemplates fixed imaging centers, as illustrated, for example, beginning at col. 8, line 12, where Rothschild discusses providing a medical image management

system to address the needs of referring physicians and other healthcare providers located outside of an imaging center.

Thus, as discussed above, Rothschild does not teach or suggest a “mobile imaging unit” as recited in independent claims 1, 9, and 13, from which claims 6, 12, and 16 respectively depend. In addition, Evans and Wood ‘186 do not overcome at least this shortcoming of Rothschild because, as discussed above, Evans and Wood ‘186 do not teach or suggest a “mobile imaging unit” as recited in independent claims 1, 9, and 13. Thus, none of Evans, Wood ‘186 or Rothschild, alone or in combination, teach or suggest elements of independent claims 1, 9, and 13, from which claims 6, 12, and 16 respectively depend. Therefore, the Applicant respectfully submits that the Examiner’s rejection has been overcome and dependent claims 6, 12, and 16 are in condition for allowance.

The Applicant now turns to the rejection of claims 17 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s Background and further in view of Rothschild. With regard to claims 17 and 19-20, Applicant’s Background identifies a problem that had yet to be solved and a combination that had yet to be realized in the art. The Applicant’s Background addresses deficiencies which are remedied by the Applicant’s novel solution and not by Rothschild. For example, the Applicant notes that “[t]here is a need for centralized data storage to enable the patient’s choice of hospital or clinical location.” This is a need that the Applicant is attempting to satisfy with his invention. Furthermore, “[t]here is a need for a method of aggregating patient imaging results from mobile imaging units to eliminate manual transfer of files and to facilitate interaction among mobile units and between mobile units and healthcare facilities.” This was a need the Applicant saw and was trying to meet. Centralized scheduling

and reporting was another need that was unmet with mobile imaging units that the Applicant identified. “Thus, a need exists for a method and apparatus for integration of mobile imaging units into an Application Service Provider for data storage and information system support.” Clearly these statements were not admissions of prior art but, conversely, were highlighting problems and/or deficiencies which existed and for which remedies have been found in various embodiments of the invention described in the remainder of the patent application.

As discussed above, Rothschild does not teach or suggest a “mobile imaging unit” and thus, cannot provide any motivation to combine a mobile imaging unit with a medical application center, as recited in independent claim 17. Therefore, the Applicant respectfully submits that the Examiner’s rejection has been overcome and independent claim 17, and corresponding dependent claims 19-20, are in condition for allowance.

The Applicant now turns to the rejection of claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Wood ‘035 and further in view of Evans. As discussed above, Wood ‘035 does not teach or suggest a mobile imaging unit, wherein the mobile imaging unit is a mobile facility adapted to be used at a plurality of locations as recited in amended independent claim 21, from which claim 23 depends. In addition, Evans does not overcome at least this shortcoming of Wood ‘035 because, as discussed above and as acknowledged by the Examiner, Evans does not teach or suggest a “mobile imaging unit” as recited in independent claim 21. Thus, neither Wood ‘035 nor Evans, alone or in combination, teach or suggest elements of independent claim 21, from which claim 23 depends. Therefore, the Applicant respectfully submits that the Examiner’s rejection has been overcome and dependent claim 23 is in condition for allowance.

The Applicant now turns to the rejection of claims 24-32 and 35-36 under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Rothschild and further in view of Wood '035. As discussed above and as acknowledged by the Examiner, Evans does not teach or suggest a “mobile imaging unit” as recited in independent claims 24, 28, and 29. In addition, Rothschild does not overcome at least this shortcoming of Evans because, as discussed above, Rothschild does not teach or suggest a “mobile imaging unit” as recited in independent claims 24, 28, and 29. Furthermore, as discussed above, Wood '035 does not teach or suggest a “mobile imaging unit” as recited in independent claims 24, 28 and 29. Thus, none of Evans, Rothschild or Wood '035, alone, or in combination, teach or suggest all of the elements of independent claims 24, 28, and 29. Therefore, the Applicant respectfully submits that the Examiner’s rejection has been overcome and independent claims 24, 28, and 29, and corresponding dependent claims 25-27, 30-32, and 35-36 are in condition for allowance.

Thus, none of the cited art teaches or fairly suggests at least the claimed limitation of a mobile imaging unit, wherein the mobile imaging unit is a mobile facility adapted to be used at a plurality of locations. This limitation is found in all of the pending claims and need not be implicitly read from the specification into the claims. The Applicant does define a “mobile imaging unit” in the claims and provides some exemplary embodiments in the specification (e.g., a truck or van), which may *include* equipment for magnetic resonance, computerized tomography, ultrasound, and/or other imaging or monitoring equipment (e.g., ECG) to facilitate medical examination of patients). (See, e.g., page 1, paragraph 2, page 2, paragraph 1 and page 8, paragraphs 2-3).

Therefore, the Applicant respectfully submits that the Examiner's concerns have been addressed and the cited art does not teach or suggest the limitations of the presently claimed invention. The Applicant submits that the pending claims are in condition for allowance.

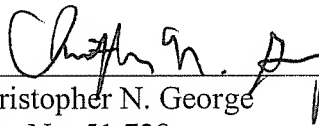
CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GEMS-IT, Account No. 50-2401.

Respectfully submitted,

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